

WILLIAM HANSON,

1 something out.

2 He mentioned it, Jeremy
3 Leaman mentioned it, and that's one thing
4 I left out, that, you know, right after
5 he said it's basically like a he said/she
6 said, the only way you can really get
7 anything out of it is by having the
8 conversation recorded.

9 Q. Okay.

10 A. Tape recorder, by that
11 means.

12 Q. So he said something to the
13 effect of the only way that you can prove
14 this is by tape recording the
15 conversation?

16 A. Correct.

17 Q. So what did that mean to
18 you? How did you interpret that?

19 A. Well, he knew I had a tape
20 recorder because I was using it for work
21 and I told him that I wasn't going to do
22 that, and I'm just addressing what the
23 concerns was, that I wanted to get it
24 rectified.

WILLIAM HANSON,

1 Q. Okay. And so in response to
2 his comment to the extent of the only way
3 to prove it is to have a tape recorder,
4 you said I'm not going to do that?

5 A. That's correct.

6 Q. Okay. Do you remember what
7 he said after that?

8 A. No, because he kind of -- he
9 said it nonchalantly. I don't -- it
10 wasn't like serious to me. It's
11 nonchalant, he said/she said, and the
12 only way you can get that is with a tape
13 recorder, and we are not going to talk
14 about that.

15 And I said, yeah, it's not
16 something I'm going to, I am not going to
17 do that.

18 Then he said, if anything
19 happens or -- just go through me. And
20 that was then the end of the
21 conversation.

22 Q. Okay. Did you tell him
23 anything else about the incident that you
24 didn't tell me already?

WILLIAM HANSON,

1 A. About the call?

2 Q. No, about the -- about what
3 you were complaining about. You had made
4 a complaint to the customer care line.
5 You called him the previous day -- and if
6 anything that I say is incorrect, correct
7 me.

8 A. Okay.

9 Q. And you said that Yvette
10 made these comments to me?

11 A. Correct.

12 Q. Okay? And he said, you
13 should have called me first, and that was
14 pretty much the end of it, and then the
15 next day you have this conversation where
16 he says, I spoke to her, right?

17 A. Correct.

18 Q. She says she didn't say it
19 and she wants an apology?

20 A. Correct.

21 Q. And he says, it's a he
22 said/she said, and that's the only way,
23 you know -- he makes a comment that the
24 only way is if you have it tape recorded,

WILLIAM HANSON,

1 prohibition, and it says, tape recording
2 when there is informed consent of all
3 parties of the conversation or event.

4 I just want to clarify.
5 When you were apparently recording this
6 conversation with Mr. Vazquez --

7 A. Correct.

8 Q. -- he knew that you were
9 recording that, apparently; correct?

10 A. That's correct.

11 MR. LEAHY: Objection to the
12 form.

13 BY MR. PRIMOS:

14 Q. Okay. And he didn't object
15 to the recording; correct?

16 A. Correct.

17 Q. And Roman Numeral II,
18 purpose, one of the purposes, it says, in
19 the second sentence, is to prevent the
20 secret taping, recording or listening in
21 on any conversation or communication at
22 work.

23 You never secretly taped
24 Mr. Vazquez, did you?

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM HANSON, III, :
 :
Plaintiff, :
 :
v. : C.A. No.: 05-0046 (JJF)
 :
LOWE'S HOME CENTERS, INC., :
et al., :
 :
Defendants. :

Deposition of LINDA MYERS, taken
pursuant to notice, on Wednesday, December 14, 2005
at 11:15 a.m. at 414 S. State Street, Dover,
Delaware, reported by Lorena J. Hartnett, a Registered
Professional Reporter and Notary Public.

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1 Q. And during that period of time you
2 were the sales manager for the Dover Lowe's?

3 A. Yes, sir.

4 Q. Are there other sales managers at that
5 timeframe other than yourself?

6 A. No, we have one.

7 Q. And that one is you?

8 A. And that one is me.

9 Q. All right. Now, you do know that at
10 some point Mr. Hanson no longer was coming to the
11 Lowe's store as a representative of Ideal?

12 A. Yes, sir.

13 Q. All right. As far as you know, did
14 you have any involvement in making any complaint
15 or raising any issue regarding Mr. Hanson that
16 resulted in him no longer coming to the Lowe's
17 store of Dover?

18 A. I was contacted and informed that
19 Mr. Hanson was recording conversations in our
20 store.

21 Q. All right. First of all, who
22 contacted you?

23 A. Carlos Vasquez.

24 Q. And who was Mr. Vasquez?

1 A. A department manager in our store.

2 Q. And what department did he manage?

3 A. I believe he was still in plumbing at
4 that point.

5 Q. Is he still with the company?

6 A. No, sir.

7 Q. Do you know when he left the company?

8 A. No, sir.

9 Q. As far as you know, when he left the
10 Dover Lowe's, did he leave the Lowe's company or
11 did he transfer?

12 A. He transferred.

13 Q. And where did he transfer to?

14 A. He transferred to our Bear, Delaware
15 store.

16 Q. And are you telling me that, as far as
17 you know, he is not there anymore?

18 A. As far as I know, he is not there
19 anymore. He transferred as a zone manager to
20 that store.

21 Q. And when did he leave the Bear store?

22 A. I don't know.

23 Q. Do you know why?

24 A. No, sir.

1 Q. Do you know when he left Bear that he
2 left the company totally, completely?

3 A. I don't know for sure.

4 Q. He may have transferred yet to another
5 store?

6 A. As far as I know, he has left the
7 company.

8 Q. Okay. All right, Mr. Vasquez, is it?

9 A. Uh-huh.

10 Q. You say he contacted you?

11 A. Yes, sir.

12 Q. All right, do you know when that
13 happened?

14 A. I don't recall the date.

15 Q. All right, tell me what the contact
16 was, or describe it for me in full.

17 A. Carlos called me. I was working.
18 Carlos called me.

19 Q. On the phone?

20 A. On the phone.

21 Q. Uh-huh.

22 A. To tell me that Will Hanson had been
23 recording conversations in the store, that -- He
24 told me that Will stated that he was out to get

1 Yvette, which would be Yvette Schriver, our store
2 manager.

3 Q. All right. Vasquez told you that Will
4 told him that Will is out to get Yvette?

5 A. Yes.

6 Q. All right, what --

7 A. He was recording conversations and he
8 was out to get Yvette.

9 Q. Uh-huh.

10 A. He also stated that he had the tape.

11 Q. He had what?

12 A. The tape, or a tape.

13 Q. Carlos was telling you that he had a
14 tape?

15 A. Yes, yes.

16 Q. Okay. All right, what else
17 did he tell you?

18 A. I don't recall anything specific at
19 that point.

20 Q. All right. Now, where were you when
21 you received this information?

22 A. At work.

23 Q. Yeah, where?

24 A. I was -- I was actually in the store

1 manager's office.

2 Q. Was Yvette there?

3 A. No, she was not at work that day.

4 Q. All right, and is it your
5 understanding that you were getting this call
6 from Carlos from his department area, the
7 plumbing?

8 A. I don't recall.

9 Q. All right. What did you tell him to
10 do or not do?

11 A. I thanked him and let him know that I
12 was going to call Yvette.

13 Q. Did you ask him to bring you the tape?

14 A. I did not ask him to bring me the
15 tape.

16 Q. He told you he had a tape?

17 A. (Nodding head)

18 Q. Yes?

19 A. Yes, he did, I'm sorry, yes, he did.

20 Q. And he told you he had a tape
21 recorder?

22 A. He just told me he had a tape.

23 Q. And you did not ask for him to bring
24 it to you?

1 A. No, I did not.

2 Q. Did you tell him you were going to
3 call Yvette?

4 A. Yes.

5 Q. And did you do that?

6 A. Yes, I did.

7 Q. All right, and where was she?

8 A. She was at home.

9 Q. Was that her day off or what, or not
10 her shift or what?

11 A. I know she wasn't working. I don't
12 recall whether she had been off for that day or
13 already left. I don't recall.

14 Q. Well, did you reach her by phone?

15 A. Yes, I did.

16 Q. What did you tell her?

17 A. I explained to her that Carlos had
18 called me, that he had told me that Will had been
19 taping conversations in the store, and that
20 Carlos had also told me that Will said he was
21 doing that to get her.

22 And I asked her if she wanted the
23 number to speak to Jeremy Leaman, who was the, or
24 the manager at that time for Ideal that was

1 directly over the vendors for them, at that time
2 if she wanted to contact him or if she wanted me
3 to.

4 Tape recording in our store is a
5 violation of company policy. I would have done
6 the same thing had that, for anybody, if it had
7 been anybody recording in our store.

8 Q. Well, okay. What else did you and
9 Yvette speak about during this telephone
10 conversation?

11 A. She told me to go ahead and call
12 Jeremy and let him know what had happened.

13 Q. That's Jeremy Larriman?

14 A. Leaman. I am not sure --

15 Q. At Ideal?

16 A. Yes. I am not sure of the spelling of
17 his last name. I'm sorry.

18 Q. At least you thought he was Hanson's
19 supervisor at Ideal?

20 A. Yes.

21 Q. And Yvette told you go ahead and call
22 him?

23 A. Go ahead and call and let him know
24 what I had told her.

1 Q. Uh-huh.

2 A. And I did. I called Jeremy.

3 Q. Is that all the two of you discussed?

4 A. I believe so.

5 Q. You can't recall anything?

6 A. I can't recall anything else.

7 Q. Yvette had no reaction to you telling
8 her that someone said that they were out to get
9 her?

10 MS. MALLOY: Objection.

11 A. Obviously, she was concerned.

12 Q. Well, how did she express her concern?

13 A. I don't have an answer for that. I
14 mean I could hear that she was concerned.

15 Q. How could you hear? What were you
16 hearing?

17 A. Just -- I don't know how to describe,
18 you know, an emotion in a voice. I don't know
19 how to describe that.

20 Q. Uh-huh, okay. Did she indicate that
21 she was going to call Ideal also? Did she make
22 any reference to that?

23 A. I don't recall that.

24 Q. She just directed you to?

1 A. That I, yes, I was calling Jeremy.

2 Q. And advise him of what Carlos had told
3 you?

4 A. Yes.

5 Q. Did you do that?

6 A. Yes, I did.

7 Q. Did you hang up from Yvette and place
8 a call to Ideal?

9 A. Yes.

10 Q. Was that like one call done and the
11 next call began?

12 A. Yes.

13 Q. Had you had the tape in your
14 possession yet?

15 A. No.

16 Q. Had you listened to the tape?

17 A. No.

18 Q. Did you actually know whether or not
19 there had been any taping?

20 A. No, I did not have the tape. I did
21 not listen to the tape.

22 Q. And I take it you hadn't called
23 Mr. Hanson or spoke to Mr. Hanson before calling
24 Ideal?

1 A. No, sir.

2 Q. How did you know in your own mind
3 whether or not Carlos, what Carlos was telling
4 you had any truth to it?

5 A. I have no reason at all, having worked
6 with Carlos, to believe that he would lie to me.

7 Q. But you had no facts? You just had
8 what he told you --

9 MS. MALLOY: Objection.

10 Q. -- on the telephone conversation
11 before you talked to Ideal? Is that fair to say?

12 MS. CLEMONS: I am going to object.

13 MS. MALLOY: Yeah, I think you are
14 arguing with the witness. She testified
15 that she didn't listen to the tape and she
16 called Jeremy Leaman.

17 MR. FLETCHER: All right, objection
18 entered. You may answer.

19 THE WITNESS: I am going to ask you to
20 ask me the question again, please.

21 MR. FLETCHER: And I am going to ask
22 the court reporter to read it back.

23 THE WITNESS: Okay.

24 (The reporter read back the

1 question.)

2 MS. MALLOY: Do you have my objection
3 on there to the form of the question and the
4 fact that it's argumentative?

5 REPORTER: Yes.

6 MS. MALLOY: Okay, I just want to make
7 sure.

8 MS. CLEMONS: Mine too, because it
9 assumes a fact not in evidence.

10 MR. FLETCHER: Go ahead.

11 A. I called Jeremy based on the
12 information given to me by Carlos.

13 Q. But you hadn't even asked Carlos for
14 the tape before calling Jeremy?

15 A. No, I did not.

16 Q. All right, did you get ahold of
17 Mr. Leaman?

18 A. Yes.

19 Q. All right, what did you tell him?

20 A. I told him that I have been informed
21 that Will Hanson was recording in our store and
22 it's a violation of Lowe's company policies to
23 record for any reason in our store. I don't
24 recall verbatim what Jeremy may have said at that

1 time.

2 Q. Well, tell me in a general way what
3 you believe he said.

4 A. Okay.

5 MS. MALLOY: Don't guess, please. You
6 were instructed about depositions. I am
7 going to ask you not to guess.

8 BY MR. FLETCHER:

9 Q. I want your best recollection. It
10 does not have to be verbatim, but it does have to
11 be complete. Go ahead.

12 A. Jeremy told me he would take care of
13 it, and he asked me if Will could work that day.
14 I told him at that time that I would prefer not.

15 Q. Did you take it to mean that he wanted
16 to know if Will could finish up that day's work?

17 A. Um, as far as I presumed that would
18 mean that, but I don't know if that's what he was
19 implying.

20 Q. Well, were you telling him, when you
21 said "I prefer not," were you expecting that he
22 would remove him from the premises then and
23 there?

24 A. Yes.

1 Q. And were you also, as part of your
2 conversation, presuming that he would not return?

3 A. At that point I expected Jeremy to
4 speak with him. What he did past that, I have no
5 control over.

6 Q. All right.

7 A. Or expectation.

8 Q. There wasn't any indication from you
9 that Mr. Hanson could not return the next day?

10 A. That would have been handled outside
11 of me.

12 Q. You did not give Mr. Leaman any
13 indication, any instruction, any direction that
14 Mr. Hanson could not return after that day to
15 Lowe's of Dover?

16 A. I informed Jeremy of the situation. I
17 told him what I knew. I told him that our
18 policies are that you cannot record in our
19 stores, any store, and I left it with Jeremy to
20 handle the situation at that point.

21 Q. Well, did you leave it with Jeremy as
22 to what you expected to be done?

23 A. No.

24 Q. Is it your testimony that as far as,

1 that in your mind you were not in any way
2 directing Leaman to bar Mr. Hanson from returning
3 to Lowe's of Dover?

4 A. At that point I did not expect to see
5 Will the next day. I did not expect to see Will
6 in our store again at that point.

7 Q. And why is that?

8 A. Recording conversations, recording
9 anything in the store, is a violation of company
10 policy.

11 Q. And, as far as employees are
12 concerned, that's immediate dismissal?

13 A. That is termination, yes.

14 Q. Who has been terminated for that?

15 A. I don't know anyone else who has
16 recorded in the store, so I couldn't answer that
17 question.

18 Q. Well, the answer to my question, then,
19 is you don't know anyone being terminated for
20 recording in the store; correct?

21 A. I do not know anyone else, anyone who
22 has been terminated as an associate for recording
23 in the store.

24 Q. And did you tell Mr. Leaman that you

1 you would expect to have occurred?

2 MS. MALLOY: I am going to object,

3 because it's speculative.

4 A. The policies and the structure of our

5 human resource department has changed since I

6 left it. I would expect that they would

7 interview people, they would ask questions, and

8 they would move forward based on that

9 information.

10 Q. Okay, like they might interview

11 Carlos?

12 A. They might, at that point, yes, I

13 would expect that.

14 Q. And you would expect them to say, "If

15 you have the tape, let's see it."

16 A. Yes.

17 MS. MALLOY: Objection. It's all

18 hypothetical.

19 BY MR. FLETCHER:

20 Q. And if he had the tape and he had

21 produced it, probably someone at HR might

22 actually listen to it? Is that reasonable to

23 expect?

24 A. Yes.

1 Q. As far as you know, none of that was
2 done in Mr. Hanson's case prior to you telling
3 Mr. Leaman of your expectation that Hanson should
4 never return again; correct?

5 A. I did not tell him that Hanson should
6 never return again. I would expect that, as his
7 employer, they would, at that point, request
8 whatever information they needed to investigate.

9 Q. Did you come into possession of the
10 tape?

11 A. I did not.

12 Q. You never asked Carlos to bring it to
13 you?

14 A. I did not.

15 Q. Do you have an understanding as to
16 when Carlos turned in the tape?

17 MS. MALLOY: Objection.

18 A. I was not involved at that point.

19 Q. Okay, have you ever heard the tape?

20 A. I had a copy of it that was sent to
21 me.

22 Q. When you say copy, do you mean a copy
23 of the tape or a transcript, a paper transcript
24 of it?

1 A. It was sent to me by my attorney.

2 Q. What was sent to you?

3 A. A copy of the tape, a copy of the
4 tape.

5 Q. Okay, not a paper transcript?

6 A. No, no.

7 Q. Did you ever listen to that tape?

8 A. I did, but, unfortunately, the
9 recorder that I had at home was impossible for me
10 to listen, to hear much on it.

11 Q. So, as we sit here today, you still
12 have no idea what, if anything, was recorded by
13 Mr. Hanson in the Lowe's store at the time of
14 this incident that Carlos related to you; is that
15 correct?

16 MS. MALLOY: Objection.

17 BY MR. FLETCHER:

18 Q. You may answer.

19 A. That's correct.

20 Q. You don't know how long that recording
21 is; correct?

22 A. No, sir, I don't.

23 Q. You don't know what's on it?

24 A. No, sir, I don't.

1 Q. To your knowledge, have any customers,
2 vendors, or Lowe's employees ever made a
3 complaint to Lowe's about any of your conduct?

4 A. Not to my knowledge.

5 Q. Now, you mentioned way back when we
6 started this you have a son?

7 A. Yes, I do.

8 Q. And I think you said he was 27 now?

9 A. Yes.

10 Q. Did he work for Ideal --

11 A. Yes, he did.

12 Q. -- at sometime?

13 MS. MALLOY: Wait until he finishes
14 the question. It's easier for the reporter.

15 THE WITNESS: I'm sorry. Yes, sir, he
16 did.

17 BY MR. FLETCHER:

18 Q. And in what capacity did he work for
19 Ideal?

20 A. He worked as a vendor for Ideal.

21 Q. And did his work as a vendor for Ideal
22 involve the Lowe's of Dover store?

23 A. Yes, sir, it did.

24 Q. And was that during the time that you

1 were an employee of the Lowe's of Dover store?

2 A. Yes, sir.

3 Q. Why did he leave Ideal?

4 A. He left Ideal because the
5 responsibilities for the grandchild that I am
6 raising fell to him primarily. He was not able
7 to continue to work, maintain his work level for
8 Ideal, the hours and the days that they needed
9 him, so he left Ideal and became the primary
10 caretaker for my five-year-old granddaughter.

11 Q. Okay, and that's -- Just so I -- I
12 thought you indicated that he is your
13 granddaughter's uncle?

14 A. Yes, he is.

15 Q. Okay, he is neither the mother or
16 father of the child?

17 A. No, he is not.

18 Q. But, since it's your granddaughter --

19 A. Yeah, it's confusing, I know.

20 Q. Who in your family is the mother or
21 father?

22 A. My youngest daughter is the mother of
23 the grandchild that I care for.

24 Q. And your youngest daughter's name is?

1 A. Sara, S-A-R-A.

2 Q. And she does not live with you?

3 A. No, she does not.

4 Q. Does she live in Delaware?

5 A. No, sir.

6 Q. What state does she live in?

7 A. Arizona.

8 Q. What is your son's name that worked
9 for Ideal?

10 A. Daniel.

11 Q. Okay. Daniel Myers?

12 A. Yes.

13 Q. And so his separation from Ideal was
14 totally amicable, and it was simply due to his
15 family requirements?

16 A. Yes, sir.

17 Q. And is Mr. Hanson the gentleman who
18 took your son's place at Ideal?

19 MS. MALLOY: I am going to object to
20 the form and the assumption, but you can
21 answer.

22 A. He was the next vendor that came to
23 work for Ideal at that point. I believe there
24 was a period of time they didn't have anyone, but

1 that?

2 BY MR. FLETCHER:

3 Q. Something like that, those specific
4 words, something that would communicate those
5 concerns, those ideas.

6 A. I don't recall saying that
7 specifically at all, and -- I don't recall at
8 this time.

9 Q. Okay. How was Mr. Hanson made aware
10 of this recording policy before the date of this
11 incident?

12 A. This policy would have been covered
13 during training. Beyond that, I don't know. I
14 don't know when Will started with Lowe's, and I
15 don't know who conducted his training at that
16 time.

17 Q. And so you don't know if he was ever
18 actually made aware of this policy before the day
19 of this incident; is that fair to say?

20 A. That's fair to say, yeah.

21 Q. As a result of your contacts with
22 Mr. Hanson before the day of this incident,
23 whether as a vendor or as an employee at Lowe's,
24 were you aware that he had an interest in martial

1 arts?

2 A. I don't recall, sir.

3 Q. Were you aware that he was of Asian
4 heritage?

5 A. No, sir, I don't recall that. I
6 learned that, actually.

7 MS. MALLOY: Don't say anything that
8 you learned from me. At the time that you
9 knew --

10 A. At the time, no, I did not know that.

11 Q. Did it ever come up -- And I don't
12 want to know anything that you and your attorney
13 spoke to in this litigation, but you and
14 Mr. Hanson, or anyone else that was talking about
15 Mr. Hanson that you may have overheard, anyone,
16 he or them, ever advise you that he was half
17 Korean?

18 A. No, sir, I don't recall anybody ever
19 telling me that.

20 Q. Were you aware that Mr. Leaman, when
21 Mr. Hanson was being considered for the vendor
22 job with Ideal, had brought Mr. Hanson into the
23 store, into the Lowe's Dover store one day to
24 walk around, I guess, maybe to see the area, to

1 meet people, things like that? Were you aware
2 that that happened?

3 A. Yes, I was aware that it happened.

4 Q. Did you on that day or anytime in that
5 time period ever advise Mr. Leaman that you did
6 not want Mr. Hanson working at the Dover Lowe's?

7 A. I spoke to Jeremy and let him know
8 that I was aware of some problems that we had had
9 with him when he was working previously at
10 Spectrum.

11 Q. What problems did you tell Jeremy
12 about? Well, first of all, what problems were
13 you thinking about or referring to when you said
14 that?

15 A. I have only general knowledge that
16 Debbie had had, Debbie Lenhart had had some
17 concerns about his job performance. I don't know
18 specifics on those. I would have told Jeremy
19 that he might want to talk with somebody in that
20 area a little more closely.

21 Q. Debbie who?

22 A. Lenhart, L-E-N-H-A-R-T.

23 Q. And who is she?

24 A. She was the zone manager over that

1 area. She is now the lady that is now at Camden.

2 Q. At Camden?

3 A. Yes, Delaware.

4 Q. Did you tell Jeremy anything about
5 Mr. Hanson's job performance?

6 A. I don't recall telling him anything
7 about it.

8 Q. Were you indicating to him that he
9 might have some, he should do further follow-up
10 work before making a commitment to Mr. Hanson?

11 MS. MALLOY: Objection.

12 BY MR. FLETCHER:

13 Q. You may answer.

14 A. That I had some concerns that Will had
15 had some performance issues in the store.

16 Q. But you didn't know what those
17 performance issues were?

18 A. No.

19 Q. And have you ever learned what
20 they were?

21 A. No.

22 Q. Are they documented anywhere in any of
23 the Lowe's files that you are aware of?

24 A. As a vendor, we wouldn't maintain

1 files on a vendor.

2 Q. Well, you might send a letter to the
3 vendor advising of performance issues.

4 MS. MALLOY: Objection. Are you
5 telling her how to do her job?

6 THE WITNESS: I don't know.

7 MR. FLETCHER: Well, let me finish my
8 question.

9 MS. MALLOY: Okay.

10 BY MR. FLETCHER:

11 Q. Are you saying that Lowe's never
12 advises vendors if they are having issues with
13 their employees?

14 A. I am not saying that at all.

15 Q. Okay, so part of my question is do you
16 know if any such communication was made to
17 Spectrum about Mr. Hanson?

18 A. I do not know.

19 Q. Did you make any such communication?

20 A. To Spectrum? No, sir.

21 MR. FLETCHER: Okay, thank you.

22 That's all the questions I have.

23 (Mr. Fletcher requested that
24 Hanson Exhibit 8 be attached to Ms.

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

WILLIAM HANSON, III,

Plaintiff,

v.

C.A. No.: 05-0046 (JJF)

LOWE'S HOME CENTERS, INC.,
et al.,

Defendants.

.....

Deposition of YVETTE SCHRIVER, taken
pursuant to notice, on Wednesday, December 14, 2005
at 1:10 p.m. at 414 S. State Street, Dover,
Delaware, reported by Lorena J. Hartnett, a Registered
Professional Reporter and Notary Public.

.....

APPEARANCES:

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NOEL PRIMOS, ESQUIRE
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Attorney for the Defendant

LORENA J. HARTNETT, R.P.R.
(302) 426-1007 or 736-3661

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TESTIMONY OF YVETTE SCHRIVER:

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1 for Spectrum?

2 A. Uh-huh, yes, sir.

3 Q. Okay. During the period of time --
4 Well, let me just clarify. The approximate
5 period of time that Mr. Hanson was a vendor for
6 Ideal was October, September or October of 2002
7 until January of 2003?

8 MS. MALLOY: I think it was 2003 to
9 2004.

10 BY MR. PRIMOS:

11 Q. I'm sorry, September or October of
12 2003 until January of 2004. That was the period
13 that he was a vendor for Ideal.

14 Okay, knowing that and that when he
15 was previously a vendor he was a vendor for
16 Spectrum, did you have any issues with
17 Mr. Hanson's performance while he was a vendor
18 for Spectrum?

19 A. When you are a vendor for Lowe's, you
20 just can't come into Lowe's and start doing
21 whatever you want. Before you do anything, you
22 have to either ask the zone manager or the
23 operations manager or myself on where you can
24 place merchandise or anything like that.

1 A. In the middle of the store, main
2 aisle, right behind aisle six and seven.

3 Q. And what, specifically, did you say to
4 Mr. Hanson?

5 A. I said, "Will, you cannot have that on
6 the sales floor. You need to go to the break
7 room and drink it or put it in the trash can."

8 Q. And what did he say in response?

9 A. He said okay.

10 Q. And did he comply?

11 A. He went one way, and I went another
12 way.

13 Q. Okay, it indicates next to December 2,
14 2003, store manager, Yvette, walks by me and
15 says, "Are you going to get any work done today,
16 Boy?" End quote.

17 And then, begin quote, "Yeah, that's
18 right, I am talking to you, Boy," end quote. Did
19 that occur?

20 A. No, sir.

21 Q. Did you ever refer to Mr. Hanson as
22 boy?

23 A. No, sir.

24 Q. Okay, it indicates that on December 3.

1 Mr. Hanson called Mr. Leaman on his December 2
2 interaction with you and then on December 5
3 Mr. Leaman called him and stated that you had
4 called and denied ever calling him boy.

5 Do you recall having a conversation
6 with Mr. Leaman about this subject?

7 A. No, sir.

8 Q. Did you ever have a conversation with
9 Mr. Leaman about this subject?

10 A. About this paragraph right here?

11 Q. Or did you ever have a conversation
12 with Mr. Leaman about Mr. Hanson's allegation
13 that you had called him boy?

14 A. No, sir.

15 Q. So if Mr. Leaman were to say that, he
16 would be lying?

17 MS. MALLOY: Objection.

18 MR. PRIMOS: You can answer.

19 MS. MALLOY: You can answer.

20 THE WITNESS: Oh, I am not going to
21 call the guy a liar. I don't know what he
22 will say.

23 BY MR. PRIMOS:

24 Q. But, if he were to say that, it would

1 nothing." Do you see that?

2 A. Yes, sir.

3 Q. Okay, so you did receive an e-mail
4 indicating that Mr. Hanson was alleging that you
5 had called him boy; right?

6 A. Yes, sir.

7 Q. And you received that e-mail on
8 December 3, 2003; correct?

9 A. Yes, sir.

10 Q. And then the last sentence there says,
11 "Vendor is tired of being harassed by her and
12 wants something done." Do you see that?

13 A. Yes, sir.

14 Q. Now, I think you indicated this
15 before, I just want to clarify, it is normal
16 procedure to send a complaint about a store
17 manager to the store manager?

18 A. Yes, sir, from a customer. Normally a
19 vendor would call their boss instead of jumping
20 on line and calling the customer care line.

21 Q. Now, looking at the second page,
22 Ms. Schriver --

23 MS. MALLOY: And, just so we know, the
24 second page you are referring to, what's the

1 Q. I understand you are saying that you,
2 you know, that that's not important to you, but
3 yet any of us could tell, you know, if we see
4 someone who is of a different race, we can tell
5 that. Could you tell that about --

6 MS. MALLOY: I am going to object.

7 MS. CLEMONS: Object.

8 BY MR. PRIMOS:

9 Q. Could you tell that Mr. Hanson, I
10 understand it's not important to you, but could
11 you tell that Mr. Hanson was of a different race?

12 MS. MALLOY: And when you say
13 different race, you mean he wasn't --

14 MR. PRIMOS: Was not Caucasian?

15 THE WITNESS: I just --

16 BY MR. PRIMOS:

17 Q. Just say yes or no.

18 A. No.

19 Q. You could not tell that?

20 A. I don't look at people.

21 Q. I understand that, but I need a yes or
22 no answer. I mean there are many people who are
23 not prejudiced at all but who can tell
24 differences in the racial backgrounds of the

1 people that they meet, that they observe, so I am
2 not saying that -- I am not saying by that
3 that you are admitting that you are prejudiced.
4 I am just saying could you tell that Mr. Hanson
5 --

6 A. Yes.

7 Q. -- was not Caucasian?

8 A. Yes.

9 Q. Okay, could you tell that he had Asian
10 heritage in his background?

11 A. No, sir.

12 MR. PRIMOS: Okay. Just a brief
13 break. I may be very close to being done.

14 (A recess was taken.)

15 BY MR. PRIMOS:

16 Q. Ms. Schriver, have you ever discussed
17 the incident involving the taping with your
18 district manager?

19 A. Not that I recall.

20 Q. And your district manager is still
21 Mr. Boyell, right, and it was Mr. Boyell at the
22 time; is that correct?

23 A. Yes, sir.

24 Q. Have you ever talked to Mr. Leaman

COPY

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM HANSON, III,
Plaintiff,

v.

LOWE'S HOME CENTERS, INC., et al.,
Defendants.

)
)
)
) C.A. No.
) 05-0045 (JJF)

Deposition by telephone of **JEREMY LEAMAN**,
taken before Cheryl A. Anthony, Court Reporter, in the
law offices of Schmittinger & Rodriguez, 410 South State
Street, Dover, Delaware, on Wednesday, December 21,
2005, beginning at 8:40 a.m.

APPEARANCES:

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BY: NOEL E. PRIMOS, ESQUIRE
414 South State Street
Dover, Delaware 19901
Attorney for Plaintiff.

LITTLER MENDELSON
BY: MICHELLE MALLOY, ESQUIRE
Three Parkway
Suite 1400
1601 Cherry Street
Philadelphia, Pennsylvania 19102
Attorney for Defendant Lowe's.
(By Telephone.)

(Appearances Cont'd...)

ORIGINAL RETAINED BY NOEL E. PRIMOS, ESQUIRE

ANTHONY REPORTING
PO Box 234
Dover, Delaware 19903
(302) 674-8884

B131

1 APPEARANCES (Cont'd.):

2 BALLARD SPAHR ANDREWS & INGERSOLL
3 BY: LUCRETIA C. CLEMONS, ESQUIRE
4 1735 Market Street
5 51st Floor
6 Philadelphia, Pennsylvania 19103-7599
7 Attorney for Defendant Ideal Merchandising.
8 (By Telephone.)
9
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1 Q. Is that correct?

2 A. Yes.

3 Q. Did you supervise Mr. Myers?

4 A. Yes, but not for the entire period of time
5 he was with the company, though.

6 Q. Why did Mr. Myers' employment end?

7 A. I'm not exactly sure why it ended. It's
8 been so long ago, I'm not exactly sure.

9 Q. Do you recall? Did he resign, or was he
10 terminated?

11 A. I do believe that was a termination.

12 Q. Do you recall anything about the reasons for
13 the termination?

14 A. No, I don't.

15 Q. Were they performance-related reasons at
16 all?

17 MS. CLEMONS: Objection.

18 MR. PRIMOS: Okay. I believe the reason for
19 your objection is that he has indicated he doesn't
20 remember. I'm just trying to explore.

21 BY MR. PRIMOS:

22 Q. Even though you don't remember the reasons
23 for the termination, I'm just asking you in general,
24 Mr. Leaman, do you recall if they were performance

1 with Ms. Myers in which she shared some concerns with
2 you from a previous position that Mr. Hanson had held?

3 A. Yes, I do. And I don't remember if that was
4 before or after the decision was made. But I had
5 explained this to Lucretia at one point.

6 MR. PRIMOS: No, I don't want you to tell me
7 any conversations that you had with Ms. Clemons.

8 MS. CLEMONS: Noel, do you want to reask the
9 question and let him start from --

10 MR. PRIMOS: Yes. The court reporter can
11 read back the question.

12 (The following was read:

13 "Question: Well, do you recall having a
14 conversation with Ms. Myers in which she shared some
15 concerns with you from a previous position that
16 Mr. Hanson had held?")

17 THE WITNESS: Yes.

18 BY MR. PRIMOS:

19 Q. And can you tell me about that conversation?

20 A. Well, basically -- It's basically what she
21 said he is that he had worked for Lowe's before, which I
22 didn't know that, after looking at the resume that he
23 had. At that point she -- and again, I don't remember
24 the time frame exactly. But she did express some

1 that you learned from me. Okay?

2 THE WITNESS: Okay. I think the decision in
3 normal circumstances, you know, it would be made either
4 by John Woodham or someone at SPMI or my divisional
5 manager.

6 BY MR. PRIMOS:

7 Q. And who is your divisional manager?

8 A. Rick Polston, I think that was, at the time.
9 And I think things did change, but I think at the time
10 it was Rick Polston.

11 Q. Can you spell Mr. Polston's last name?

12 A. P-O-L-S-T-O-N.

13 Q. Did you have any conversations with
14 Mr. Polston about these allegations regarding
15 Mr. Hanson?

16 A. I'm sure I did, because in most
17 situations -- actually, in all situations, we did have
18 to check, you know, with him to see if we were able to
19 do terminations.

20 Q. Mr. Leaman, do you know whether the sales
21 manager who had this telephone conversation with you had
22 personally observed Mr. Hanson walking around the store
23 with the tape recorder?

24 A. I don't recall.

1 Q. Do you recall the names of any other Lowe's
2 employees who were involved in the alleged incidents?

3 A. No, no.

4 Q. Mr. Leaman, why wasn't Mr. Hanson simply
5 reassigned to another store?

6 A. Probably -- I would think that, you know,
7 because it may have been a little bit harder to pair the
8 stores up, Middletown and Dover, Delaware, because they
9 were not too convenient -- I don't know if they built
10 more stores in Delaware, but at the time they weren't
11 too conveniently paired.

12 Q. What do you mean by that?

13 A. Meaning that, in other words, I think that
14 at the time I did have another store about an hour away
15 from Dover. But I don't think it would have been
16 conveniently paired with, say, the Middletown store
17 instead of the Dover store.

18 Q. Mr. Leaman, were you the one who informed
19 Mr. Hanson that he was being terminated?

20 A. Yes.

21 Q. And how did you do that?

22 A. I don't recall exactly.

23 Q. Do you recall what his response was when you
24 informed him?

1 A. No, I don't.

2 Q. Mr. Leaman, after Mr. Hanson was terminated
3 on or about January 23, 2004, did you have any
4 subsequent conversations with Ms. Myers regarding
5 Mr. Hanson?

6 A. That, I don't recall if I did or not.

7 Q. Okay. What about with Ms. Schreiber? Did
8 you have any subsequent conversations with her about
9 Mr. Hanson?

10 A. Again, I'm not sure if I did.

11 Q. And going back again to Leaman 2, was this
12 document faxed to you and then you signed it?

13 A. I'm not 100 percent sure. I'm sure that is
14 normal procedure of how it would happen.

15 Q. So you didn't actually sign it in front of
16 Ms. Gray then?

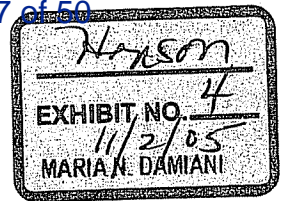
17 A. No.

18 Q. But as far as you are aware, this is an
19 accurate statement, Leaman 2?

20 A. Yes.

21 MR. PRIMOS: I have no further questions of
22 this witness at this time.

23 MS. MALLOY: I don't have any questions for
24 you either, Mr. Leaman.



Customer Care Incident Fax

Kenneth.Boyell@lowes.com, Yvette.A.Schreiber@store.lowes.com,
12/3/2003 3:11:48 PM Imillhol

Vendor states that he constantly has run ins with the store manager Yvette Schreiber, she always has smart aleck comments and makes the work environment very unpleasant and stresses this vendor. Vendor states that he has tried talking to her about why she harrases him constantly and states that she just blew him off and couldn't care less about his feelings. Vendor handles the plumbing and electrical for Ideal Merchandising and usually only deals with the department heads, and is tired of run ins with this store manager, he states that she has embarrassed him in front of employees and customers with her nasty comments. Vendor states that she calls him boy and tells him things like about time you get to work, and tells him to quit standing around doing nothing. Vendor is tired of being harrassed by her and wants something done.

Customer Care Incident Fax

The following employees for location 0587 were emailed:

Yvette.A.Schreiber@store.lowes.com, Keith.P.Dominick@store.lowes.com, Ryan.J.Hogate@store.lowes.com, William.C.Hurd@store.lowes.com, Debbie.L.Lenhart@store.lowes.com, Jerald.A.Rash@store.lowes.com, Ed.Tolbert@store.lowes.com, Holli.S.Voshell@store.lowes.com, Sharon.L.Miller@store.lowes.com, Linda.A.Myers@store.lowes.com,

12/18/2003 9:57:10 AM

StoreReply

From Kenneth.Boydell@Lowes.com Thu Dec 18 09:33:11 2003

Please close. This was a vendor who services our stores and his superior has been contacted and he will resolve with his employee. see notes below) This should not have been customer care incident and an apology has been offered from the vendor. No follow up is needed.

Thank you,

Kenneth L. Boydell

District Manager 815

-----Original Message-----

From: Schreiber, Yvette - Yvette A

Sent: Thursday, December 18, 2003 8:54 AM

To: Boydell, Kenneth - Kenneth L

Subject: Incident # CC0000001579765 William Hanson (fwd)

good morning ken,

i didn't know if you received this. would you like for me to do something with it?

thank you and have a great :)

yvette schreiber

----- Forwarded message -----

To: Debbie.L.Lenhart@store.lowes.com, Ed.Tolbert@store.lowes.com,

Holli.S.Voshell@store.lowes.com, Jerald.A.Rash@store.lowes.com,

Keith.P.Dominick@store.lowes.com, Linda.A.Myers@store.lowes.com,

Ryan.J.Hogate@store.lowes.com, Sharon.L.Miller@store.lowes.com,

William.C.Hurd@store.lowes.com, Yvette.A.Schreiber@store.lowes.com

From: Customer Care <custcare@ibgrem1.0998.lowes.com>

Subject: Incident # CC0000001579765 William Hanson

Date: Wed, 17 Dec 2003 17:58:29 -0500

This e-mail is being sent to the Store Manager and all Assistant Managers at your store.

USE THE INCIDENT CENTER TO RESPOND TO THIS INCIDENT

Please reespond to the following customer incident in the next 24 hours using the CUSTOMER CARE INCIDENT CENTER located on the Thin Client Home Page. To receive advice from one of our Customer Care Specialists, please call 1-700-658-7100 and choose option 2.

Location: LOWE'S OF DOVER, DEL., 0587

This Complaint was received via Phone on 12/03/03 15:11:48.

Customer Information:

William Hanson

217 Mahogany

Dover, DE 19901-

Home #: 302-465-0345

Business #: ext

Mobile #:

LHC006

Page -1 of 1

B139

Customer Care Incident Fax

Pager #:

Incident Category: Human Resources, Other,

Incident Information:

12/03/03 15:11:48 Imillhol

Vendor states that he constantly has run ins with the store manager Yvette Schreiber, she always has smart aleck comments and makes the work enviroment very unpleasant and stresses this vendor. Vendor states that he has tried talking to her about why she harrases him constantly and states that she just blew him off and couldn't care less about his feelings. Venndor handles the plumbing and electrical for Ideal Merchandising and usually only deals with the department heads, and is tired of run ins with this store manager, he states that she has embarrassed him in front of employees and customers with her nasty comments. Vendor states that she calls him boy and tells him things like about time you get to work, and tells him to quit standing around doing nothing. Vendor is tired of being harrassed by her and wants something done.

12/03/03 17:29:26 bkkilby

Sending to DM for review/follow-up.

The following employees for location 0587 were emailed:

Kenneth.Boyell@lowes.com,Yvette.A.Schreiber@store.lowes.com,

12/17/03 09:59:05 StoreReply

Updated By: Kenneth L. Boyell

Contacted vendors superior Jeremy Leamon 479-366-9778 12/5. Store Manager states vendor has performance issues and has changed vendor rep. positions but has not had dealings with him recently.Store manager has spoken with Jeremy on 12/12 and he offered an apology from his rep.would be forthcoming and assured he would reslove. Please close this and do not count as a cutomer complaint this is a vendor issue.

12/17/03 17:58:28 rhnichol

Comments noted, We can no longer put an incident in a resolved state, until the incident has been fully resolved. Once the customer is happy, customer care will be able to resolve this out fully. Until then, the status will be set as pending. I have updated this in the system.

12/17/2003 5:58:29 PM rhnichol

Comments noted, We can no longer put an incident in a resolved state, until the incident has been fully resolved. Once the customer is happy, customer care will be able to resolve this out fully. Until then, the status will be set as pending. I have updated this in the system.

The following employees for location 0587 were emailed:

Yvette.A.Schreiber@store.lowes.com,Keith.P.Dominick@store.lowes.com,Ryan.J.Hogate@store.lowes.com, William.C.Hurd@store.lowes.com,Debbie.L.Lenhart@store.lowes.com,Jerald.A.Rash@store.lowes.com,Ed. Tolbert@store.lowes.com,Holli.S.Voshell@store.lowes.com,Sharon.L.Miller@store.lowes.com,Linda.A.Mye rs@store.lowes.com,

12/17/2003 9:59:05 AM StoreReply

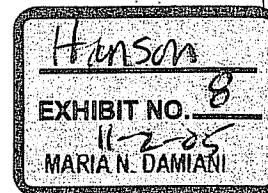
Updated By: Kenneth L. Boyell

Contacted vendors superior Jeremy Leamon 479-366-9778 12/5. Store Manager states vendor has performance issues and has changed vendor rep. positions but has not had dealings with him recently.Store manager has spoken with Jeremy on 12/12 and he offered an apology from his rep.would be forthcoming and assured he would reslove. Please close this and do not count as a cutomer complaint this is a vendor issue.

12/3/2003 5:29:26 PM bkkilby

Sending to DM for review/follow-up.

The following employees for location 0587 were emailed:



Human Resources Management Guide

CSC 001	MISCELLANEOUS 413-PROHIBITION OF RECORDING EQUIPMENT USE	POLICY NUMBER 413 REVISION DATE 4/1/03 TOTAL PAGES 1
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I. Policy Summary

- A. Lowe's and all employees share a mutual interest in protecting the privacy of employees and customers.
- B. Consequently, Lowe's prohibits employees from using any recording device on Company property, including audio, video, and still photography.
- C. The only exceptions to this prohibition are:
 - (REV) Tape recording, still photography, or video taping (other than those outlined in Lowe's Corporate Data Security and Electronic Monitoring policies) when there is "informed consent" of all parties to the conversation or event. Examples include training sessions, advertisements, and market research focus groups in which all parties consent to the recording.
 - A recording that is part of a Loss Prevention, Safety, HAZMAT or MIS investigation or other approved basis as outlined in Lowe's Corporate Data Security and Electronic Monitoring policies.
- D. No employee or other individual may openly or secretly tape or otherwise record or videotape any conversation, communication, activity, or event that in any way involves the Company, the employees of the Company, any of the Company's subsidiaries or affiliates, any customers or clients, or any other individual with whom the Company is doing business or intending to do business in any capacity.
- E. No employee may eavesdrop on the conversations or communications of other employees or non-employees in accordance with the same standards set forth above.
- F. Employee violations will subject the employee to disciplinary action up to and including termination. If the conduct in which the employee is engaged is illegal, violators may also be subject to prosecution under applicable federal, state, or local laws.
- G. (REV) All requests for recording equipment use, except those noted in C. above, must be previously approved by the appropriate Regional HR Director.

II. **Purpose**
To protect the privacy of Lowe's personnel and customers. To prevent the secret taping, recording or listening in on any conversation or communication at work. To ensure compliance with applicable federal, state and local wiretapping, eavesdropping, and privacy laws.

III. **Scope**
This policy applies to all employees.

IV. **Responsibility**
Location Managers and CSC Department Managers are responsible for ensuring employees are aware and comply with this policy. Supervisors or managers knowingly permitting unauthorized photography, videotaping, eavesdropping, or audio recording will be subject to disciplinary action up to and including termination.